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MEMORANDUM FOR: Regional Administrators

Branch Chiefs

Division of Fuel Cycle and Material Safety, NMSS

TPellon  
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FROM:

Richard E. Cunningham, Director

Division of Fuel Cycle and Material Safety, NMSS

SUBJECT:

POLICY AND GUIDANCE DIRECTIVE FC 83-23:

TERMINATION OF BYPRODUCT, SOURCE AND SPECIAL

NUCLEAR MATERIAL LICENSES

The enclosed final rule specifies licensee responsibility and requirements for terminating a license issued under 10 CFR Parts 30, 40 and 70. Among other things, a licensee is required to submit on or before the expiration date a radiation survey report to confirm the absence of radioactive materials or to specify existing levels of residual radioactive contamination present from past operations. A survey report is not required if a licensee can demonstrate the absence of radioactive contamination in some other manner, such as the use only of sealed sources that never showed evidence of leakage. If detectable levels of residual radioactive contamination attributable to licensed operations are found, the license continues in force until the Commission notifies the licensee in writing that the license is terminated. The purpose of this memorandum is to provide guidance to the Regions and Headquarters staff on the findings that need to be made before written notification is given that the license is terminated.

Review Procedure

Before terminating a license where residual radioactive material contamination is present from past licensed operations, NRC should determine whether:

1. a reasonable effort has been made to eliminate residual contamination, and
2. residual radioactive contamination is acceptably low to permit unrestricted release of the affected facilities.

If the levels of residual radioactive contamination on surfaces and in soil are a small fraction of those normally acceptable for unrestricted release (see Section below), it is not necessary for the licensee to describe the efforts he has made to reduce contamination levels.

Policy and Guidance Directive FC 83-3: Standard Review Plan (SRP) for Termination of Special Nuclear Material Licenses for Fuel Cycle Facilities, contains information that is generally useful for terminating any byproduct, source or special nuclear material license.

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In most cases involving short half-life radionuclides or operations involving only sealed sources, an independent confirmatory survey by IIRC will not be necessary. Confirmatory surveys should always be made if the licensee's survey report appears suspect or past licensee operations involved the chemical processing of hundreds of milligrams of plutonium, tens of kilograms of enriched uranium 235 or hundreds of kilograms of source material. For materials licensees which used and processed hundreds of millicuries of long half-life radionuclides (> 1 yr), confirmatory surveys should also be made in all cases. If it is determined that a confirmatory survey will be made, a notice should be sent to the licensee informing him that the equipment and facilities should be held for IIRC inspection. Discretion may be exercised as to whether a confirmatory survey is to be made if there is information available, such as inspection reports, which provides a basis for acceptance of the licensee's survey.

Contamination Levels Generally Acceptable for Unrestricted Release

- o Surface Contamination - See Enclosure 2
- o Soil Contamination - See Enclosure 3
- o Water Contamination - If surface or groundwater contamination is below EPA's National Interim Primary Drinking Water Regulations (EPA 570-9-76-003), the contamination is acceptable for unrestricted release.

If the levels of contamination exceed the levels discussed above and a judgment is made that further efforts to reduce the contamination is not necessary for termination of the license, an environmental impact assessment should be made to support the termination. Such cases should be brought to the attention of the Director of the Division of Fuel Cycle and Material Safety, NMSS, before the termination is dispatched.

Original Signed by  
D. R. Chapell

*K* Richard E. Cunningham, Director  
Division of Fuel Cycle and  
Material Safety, NMSS

Enclosures:

1. Final Rule: Amendments to  
10 CFR Parts 20, 40 and 70  
Specifying Licensee Responsibility  
for Nuclear Materials and Procedures  
for Termination of Specific Licenses
2. Guidelines for Decontamination of Facilities  
and Equipment Prior to Release for  
Unrestricted Use or Termination of Licenses  
for Byproduct, Source, or Special Nuclear

\*See previous concurrence sheets

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DRChapell  
11/4/83

OFFICE	FCUP*	FCUF*	FCAF*	FCML	FCIC*	FCMC*	FC
NAME	WTCrow	Table on Acceptable Soil Contamination Levels	LCrouse	VUMiller	CEMacDonald	BSinger	RECunningham
DATE	8/8/83	8/8/83	8/8/83	11/3/83	8/12/83	8/12/83	11/4/83